

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Revision of the Commission's)
Rules to Ensure Compatibility)
with Enhanced 911 Emergency)
Callings Systems)

CC Docket No. 94-102
RM-8143

Comments of XYPOINT Corporation on the Petition for Reconsideration and Clarification of the Cellular Telecommunications Industry Association and Petition for Reconsideration of BellSouth Corporation

XYPOINT Corporation ("XYPOINT") by its attorney hereby submits its comments on the petitions for reconsideration and/or clarification filed in the above-captioned matter filed by the Cellular Telecommunications Industry Association ("CTIA") and BellSouth Corporation ("BellSouth").¹ XYPOINT's comments are limited to requests by CTIA and BellSouth which could delay the effective date for the implementation of Phase I wireless E-911 services in those markets in which the PSAP has requested the service and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering costs is in place.

Both CTIA and BellSouth requested that the Commission stay or defer the Phase I implementation date under certain conditions. CTIA asserted:

¹ See, CTIA's *Petition for Reconsideration and Clarification* and BellSouth's *Petition for Reconsideration* both of which were submitted to the FCC on February 17, 1998 and appeared in the Federal Register on March 3, 1998.

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Until the Commission addresses the universal availability of the number 9-1-1 and facilitates siting on Federal lands, it should stay the application of its rules.²

BellSouth wrote that if the Commission does not clarify that cost recovery mechanisms adopted by a state contain a limitation of liability, "...the Commission should amend Section 20.18 to make clear that wireless providers are not obligated to provide E-911 within a state until the state limits the liability of wireless providers regarding the provision of E-911 service."³

XYPOINT agrees wholeheartedly that the issue of facilities siting is an important issue for CMRS carriers in general and cost recovery and limitation of liability are crucial issues to be resolved in the context of the provision of wireless E-911 service. However, XYPOINT does not agree that the Commission's rules should be amended or stayed because certain implementation issues need to be resolved absent compelling showings that the Commission's existing regulatory scheme is unworkable. Neither CTIA nor BellSouth has made such showings in their petitions.

Rather than issuing further rules or policy statements which may have the impact of delaying the implementation of much needed Phase I wireless E-911 services, the Commission should initiate a separate proceeding to deal with unaddressed and/or additional wireless E-911 implementation issues. In the separate proceeding, the Commission should consider the issues raised by CTIA and BellSouth. It should also consider other significant implementation issues not mentioned by CTIA and BellSouth such as (1) the obligation of LECs to unbundle their networks to allow CMRS carriers to

² CTIA *Petition for Reconsideration and Clarification*, p. 9.

³ BellSouth *Petition for Reconsideration*, p. 7.

take advantage of "ALI steering"⁴ which would enable CMRS carriers to provide more efficient and significantly less costly Phase I and Phase II wireless E-911 services and (2) other challenges relative to the deployment of ubiquitous, nationwide, seamless Phase I and II wireless E-911 services.

Throughout the course of the instant proceeding, virtually all parties have agreed that the implementation of wireless E-911 service is in the public interest. The Commission's decisions in Docket 94-102 have repeatedly recognized the need for prompt implementation of wireless E-911 services. Notwithstanding legitimate implementation issues which must still be dealt with, XYPOINT asserts that it is feasible to meet the deadline for Phase I implementation which the Commission originally set in June, 1996.⁵ Therefore, XYPOINT asserts that the Commission should take no action with respect to the CTIA and BellSouth petitions which could lead to a delay in deployment of

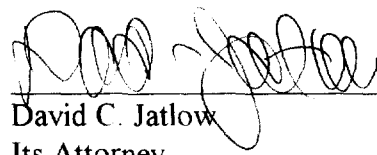
⁴ "ALI Steering" is a method for dynamically querying, through LEC facilities, multiple databases maintained by various telecommunications carriers to provide E-911 information to a PSAP.

⁵ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676 (1996).

Phase I wireless E-911 services. The Commission should also initiate a separate proceeding to specifically evaluate wireless E-911 implementation issues.

Respectfully submitted,

XYPOINT Corporation

A handwritten signature in dark ink, appearing to read "David C. Jatlow", is written over a horizontal line.

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March 18, 1998

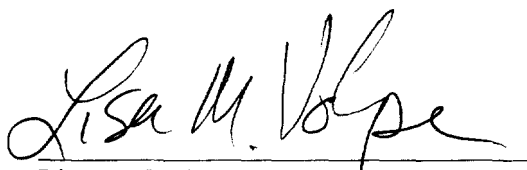
Certificate of Service

I, Lisa M. Volpe, do hereby certify that on this 18th day of March, 1998, I caused to be mailed, postage prepaid, a copy of the foregoing *Comments of XYPOINT Corporation on the Petition for Reconsideration and Clarification of the Cellular Telecommunications Industry Association and Petition for Reconsideration of BellSouth Corporation* to the following:

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A handwritten signature in cursive script, reading "Lisa M. Volpe", written over a horizontal line.

Lisa M. Volpe